

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2002**

AGENDA ITEM NO.: **12**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Miller-Motte Technical College**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Miller-Motte Technical College is petitioning for a CUP at 1011 Creekside Drive for a technical college for up to 250 students in a B-5 (Conditional), General Business District. The Planning Division (PD) recommended approval of the CUP because:

- Petition agrees with the General Plan in that a college and its associated uses are permitted uses in a Business Commercial area.
- Petition agrees with the Zoning Ordinance in that a college and its associated uses are permitted in a business district upon approval of a CUP by the City Council.
- Petition proposes the use of the property for a technical college for up to 250 students.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions

PRIOR ACTION(S):

July 24, 2002: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (6-0, with one member absent) of CUP with the following conditions:

1. Shrubs in front of the fire department connection serving the fire protection sprinkler system will be kept to a height of two (2) feet.
2. Maximum enrollment for the college will not exceed 250 students.
3. The college will maintain a ratio of sixty percent (60%) daytime students to forty percent (40%) nighttime students unless additional parking areas are provided.
4. Graduation ceremonies will not be held on site, unless additional parking areas are provided.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253

Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MILLER-MOTTE TECHNICAL COLLEGE FOR USE OF THE PROPERTY AT 1011 CREEKSIDE DRIVE AS A TECHNICAL COLLEGE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Miller-Motte Technical College for a Conditional Use Permit for use of the property at 1011 Creekside Drive for a technical college for up to 250 students be, and the same is hereby, approved, subject to the following conditions:

5. Shrubs in front of the fire department connection serving the fire protection sprinkler system will be kept to a height of two (2) feet.
6. Maximum enrollment for the college will not exceed 250 students.
7. The college will maintain a ratio of sixty percent (60%) daytime students to forty percent (40%) nighttime students unless additional parking areas are provided.
4. Graduation ceremonies will not be held on site, unless additional parking areas are provided.

Adopted:

Certified:

Clerk of Council

170L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-847-1508

To: Planning Commission
From: Planning Division
Date: July 24, 2002
Re: **CONDITIONAL USE PERMIT (CUP): Miller-Motte Technical College, 1011 Creekside Drive.**

I. PETITIONER

Miller-Motte Technical College, 1912 Memorial Avenue, Lynchburg, VA 24501

Representative: Ms. Betty J. Dierstein, Director, 1912 Memorial Avenue, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of about 2.7 acres located at 1011 Creekside Drive.

Property Owner: Creekside Development Company, Inc., P.O. Box 10309, Lynchburg, VA 24506

III. PURPOSE

The purpose of this petition is to allow a technical college for up to 250 students in an existing structure located at 1011 Creekside Drive.

IV. SUMMARY

- Petition agrees with the General Plan, in that a college and its associated uses are permitted uses in a Business Commercial area.
- Petition agrees with the Zoning Ordinance in that a college and its associated uses are permitted in a business district upon approval of a CUP by the City Council.
- Petition proposes the use of the property for a technical college for up to 250 students.
- **The Planning Division recommends approval of the CUP petition.**

V. FINDINGS OF FACT

1. **General Plan.** The Lynchburg *General Plan* recommends a Business Commercial use for the subject property. The proposed CUP is in agreement with the *General Plan* in that colleges and associated uses are permitted in commercial areas upon approval of a CUP by the City Council. General Development Goal 6 states that the City will "promote the attainment of knowledge commensurate with the need and capabilities of all citizens and appropriate to a complex and changing world". The *General Plan* further states that "Lynchburg's educational system must continue to be flexible in order to provide occupational training to meet the diversified demands of businesses, industry, and government in the City. The City's school system and colleges must continue providing the widest number of courses possible to satisfy the changing occupational requirements in society. Without an excellent educational system, the labor demands of existing and future industries could not be met".
2. **Zoning.** The existing B-5 (Conditional), General Business District zoning was established in 1987, as part of a rezoning petition. The petition does not propose to change the B-5 (Conditional), General Business District zoning. Section 35.1-38f(10), General Business District, requires that schools and colleges of all types exceeding a maximum enrollment of one hundred (100) students obtain a conditional use permit from the City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the use of the existing structure as a technical school.
4. **Surrounding Area.** The following are items in the surrounding area that have required City Council approval:
 - On December 8, 1987 the City Council approved the rezoning petition of Hutter Associates, Inc., from R-1 to B-5 (Conditional), and R-4, at the intersection of Graves Mill Road and the Lynchburg Expressway to allow commercial and multi-family uses.
 - On November 14, 1989 the City Council approved the rezoning petition of Dreaming Creek Properties from I-2 (Conditional) to B-5 (Conditional) at the intersection of Old Graves Mill Road and Mill Ridge Road to allow commercial uses. The property is currently used by Framatome Technologies.
 - On January 28, 1992 the City Council approved the rezoning petition of Dreaming Creek Properties from B-5 (Conditional) to B-5 (Conditional) at the intersection of Old Graves Mill Road and Mill Ridge Road to allow commercial uses. This is the location of Scott Insurance Company.

- On October 13, 1992 the City Council adopted the *Graves Mill Road / US 221* Land Use Study.
- On January 12, 1999 the City Council approved the rezoning petition of Petrie, Dierman & Kughn from R-4 and B-5 (Conditional) to B-5 (Conditional) at the intersection of Creekside Drive and Graves Mill Road to allow the construction of a retail shopping center and home improvement store.
- On January 12, 1999 the City Council approved the conditional use permit petition of Petrie, Dierman and Kughn to allow fill in the flood plain at the intersection of Creekside Drive and Graves Mill Road.
- On July 13, 1999 the City Council approved the rezoning petition of Paul Graves from R-C and R-1 to B-5 (Conditional) to allow the reconstruction and operation of a historic mill.
- On September 12, 2000 the City Council approved the conditional use permit petition of First Assembly of God to allow the construction of a church and parking area at 1208 Graves Mill Road.
- On December 12, 2000 the City Council approved the conditional use permit petition of Lowe's Home Centers to allow fill in the flood plain and the intersection of Creekside Drive and Graves Mill Road.

5. **Site Description.** The subject property is bordered to the north and east by vacant land that has been proposed for a home improvement store and retail shopping center. The subject property is bordered to the south (across Graves Mill Road) by an office commercial use (Scott Insurance Company). The property is bordered to the west by vacant land zoned for single-family residential uses. A conditional use permit for this property was approved for the construction of a church but was allowed to expire by the petitioner.

The existing building and parking is situated on a well-landscaped lot of 2.7 acres. The building was original constructed for the Meredith Burda Computer Operations Center and was most recently used by R.R. Donnelley Graphics. The building is currently vacant.

6. **Proposed Use of Property.** The purpose of the CUP is to allow a technical college for up to 250 students. There are no exterior modifications proposed for the property as part of this petition.
7. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the use of the existing building for a technical college.
8. **Storm Water Management.** A storm water management plan will not be required.
9. **Impact.** The current submittal proposes the use of an existing structure for a technical college for up to 250 students. The college is currently operating out of four (4) separate facilities located in various locations throughout the City. The petitioner wishes to move all four (4) of these facilities to the proposed location to be more convenient for students and facilitate better college operations.

The current enrollment of the college is 200 students with an anticipated enrollment of 250 students within the next six (6) months. The college operates day classes between the hours of 8:00 AM – 2:00 PM and night classes between the hours of 6:00 PM and 10:00 PM, Monday through Thursday. Classes are in two-hour increments. Computer labs are offered on Friday and Saturday. Degree programs are offered in medical assisting, medical office administration, business technology, data entry, administrative assistance and massage therapy programs.

Of concern to the Planning Division is the ratio of parking spaces to the proposed number of students and teachers. Section 35.1-25 of the Zoning Ordinance requires that two (2) parking spaces be provided for every three (3) teachers and one (1) space be provided for every two and five tenths (2.5) students. Based upon the submitted narrative the college proposes to have 250 students and 40 part and full time teachers. A total of 126 parking spaces would be required. A total of 106 parking spaces are currently available on site. The college does not propose to have all students or faculty attending classes at one time and currently maintains a ratio of sixty percent (60%) daytime students to forty percent (40%) nighttime students. The existing parking area should prove adequate if this ratio is maintained. However, in the event that a college wide event such as a graduation was to occur on site there could be the potential for parking problems. In conversations with the petitioner, it has been stated that the college does not propose to hold these types of ceremonies on site.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 02. Comments related to the proposal were minor in nature and will be addressed by the developer prior to final site plan approval.
11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Miller-Motte Technical College for the use of an existing structure at 1011 Creekside Drive for a technical college with up to 250 students in a B-5 (Conditional), General Business District, subject to the following conditions:

1. Shrubs in front of the fire department connection serving the fire protection sprinkler system will be kept to a height of two (2) feet.
2. Maximum enrollment for the college will not exceed 250 students.
3. The college will maintain a ratio of sixty percent (60%) daytime students to forty percent (40%) nighttime students unless additional parking areas are provided.
4. Graduation ceremonies will not be held on site, unless additional parking areas are provided.

This matter is respectfully offered for your consideration.

William T. Martin
Planner III

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Ms. Judith C. Wiegand, Strategic Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Betty J. Dierstein, Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Narrative

Petition of Miller-Motte Technical College for a Conditional Use Permit at 1011 Creekside Drive for the use of an existing structure as a college for up to 250 students in a B-5 (Conditional), General Business District.

Mr. Martin said this building was constructed for the Meredith Burda Computer Operations Center, and was most recently used by R.R. Donnelley. He said the site was zoned B-5 Conditional, which allows colleges by-right if the enrollment is under 150 students. However, he added, Miller-Motte was projecting up to 250 students, which would require a Conditional Use Permit, and noted that not all 250 students would be on campus at the same time. Mr. Martin said the City requested that the college not have full college activities on campus unless additional parking was provided. He said the College was not tax exempt and they would be leasing the property, so the City would continue to receive property taxes.

Ms. Betty Dierstein, Director of Miller-Motte Technical College represented the petition. She said the college had been in operation since 1929, but had changed locations and names through the years. She said they were currently in four different locations but would prefer to have all of their facilities at one site. She said they expected their enrollment to increase to approximately 250 students by January 2003. She added that they awarded associate degrees. Ms. Dierstein said the college held commencement once a year at the E.C. Glass auditorium, since Miller-Motte did not have a facility large enough for the graduates and their families.

Chair Dahlgren asked if there was sufficient exterior lighting for the safety of students who had night classes. He also asked if there was a bus stop near the facility and asked Ms. Dierstein about the five year growth plan of Miller-Motte.

Ms. Dierstein said the lighting was sufficient for safety in the parking lots, and added that they had a security guard on campus in the evening that was there until the last student had exited the site. She added that the City bus made a turn at their entrance, which was convenient for students without cars. Ms. Dierstein said their focus was training and re-training workers so it was hard to make any future projections as their enrollment and programs were based on the economy.

Commissioner Moore asked how the percentages in Condition #3 were calculated, i.e., sixty-percent day students to forty percent night students.

Mr. Martin said those numbers came from the petitioner's narrative. He said the ratio was not necessarily important, but the number of parking spaces on site. He said if there were not enough spaces for the students the City could make the College come before then to request installation of additional parking spaces. However, at this time, he said, the City did not think it was necessary to request the petitioner to go to the additional expense. He said the numbers were just a guide.

After further discussion, Commissioner Wilkins made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Miller-Motte Technical College for the use of an existing structure at 1011 Creekside Drive for a technical college with up to 250 students in a B-5 (Conditional), General Business District, subject to the following conditions:

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AYES:	Dahlgren, Echols, Flint, Moore, Wilkins, Worthington	6
NOES:		0
ABSTENTIONS:		0

**MILLER-MOTTE TECHNICAL COLLEGE
1912 MEMORIAL AVENUE
LYNCHBURG, VA 24501
434-847-7701
BETTY J. DIERSTEIN, DIRECTOR**

Miller-Motte Technical College is a private, post-secondary institution offering career training for area residents. The College has been in operation since 1929 as Phillips Business College, and both the ownership and location of the College have changed several times over the years. The College was most recently purchased in 1998 by Delta Educational Systems, Inc., a Virginia corporation headquartered in Virginia Beach, Virginia.

The current enrollment at Miller-Motte is approximately 200 students with an anticipated increase to approximately 250 within the next six months. Students are enrolled in associate degree and diploma programs in medical assisting, medical office administration, business technology, data entry, administrative assistant and massage therapy programs. If a student enrolls on a full-time basis, he/she can complete a diploma program in 9-12 months and a degree program in 18 months. There are 10 full-time administrative staff members employed by the College and a total of approximately 30 part-time faculty. Not all faculty teach at the same or on the same days because of the specialized training and credentials required to teach the courses offered, and because of the way the class schedule is structured.

Classes run in two-hour blocks on Monday through Thursday, 8:00 AM – 2:00 PM and 6:00 PM – 10:00 PM. Students may also attend computer labs on Fridays and Saturdays. Students are enrolled in either the day or evening division. The current breakdown of enrollment is 125 day and 75 evening students. It is anticipated that this trend in enrollment breakdown will continue. Because the students take classes on a Monday-Wednesday or Tuesday-Thursday schedule, there are generally 10 faculty and 10 staff members present during class times on any given day. Between 2:00 PM and 6:00 PM, only staff members are present in the building. During evening classes, there are generally no more than 10 faculty members and 5 staff members present on any given evening.

Approximately 5% of the students at Miller-Motte utilize public transportation to attend the College. The remainder drive, car pool, or are brought by a friend or relative.

Miller-Motte currently leases approximately 7300 square feet of space at 1912 Memorial Avenue, 1,000 square feet of space at 2004 Memorial Avenue, 1,000 square feet of space at 2514 Langhorne Road, and 2300 square feet of space at 2520 Langhorne Road. Moving to the property at 1011 Creekside Lane would allow the College to house all operations in one building, which would be more convenient for students and facilitate better management of the College's operations.

The only modifications to the building at 1011 Creekside Lane would be internal. Existing office space in the building would be utilized, and additional internal walls would be erected to create classrooms and offices as needed. Hancock-Fuqua-Robertson has been hired to conduct the build-out. There would be no structural changes made to the exterior of the building and no changes in parking or grounds. All landscaping will remain and will be maintained as directed by the fire marshal.

MILLER-MOTTE TECHNICAL COLLEGE

1011 Creekside Lane
Val. Map #239-02-007
Conditional Use Permit Request
Petitioner: Miller-Motte Technical College

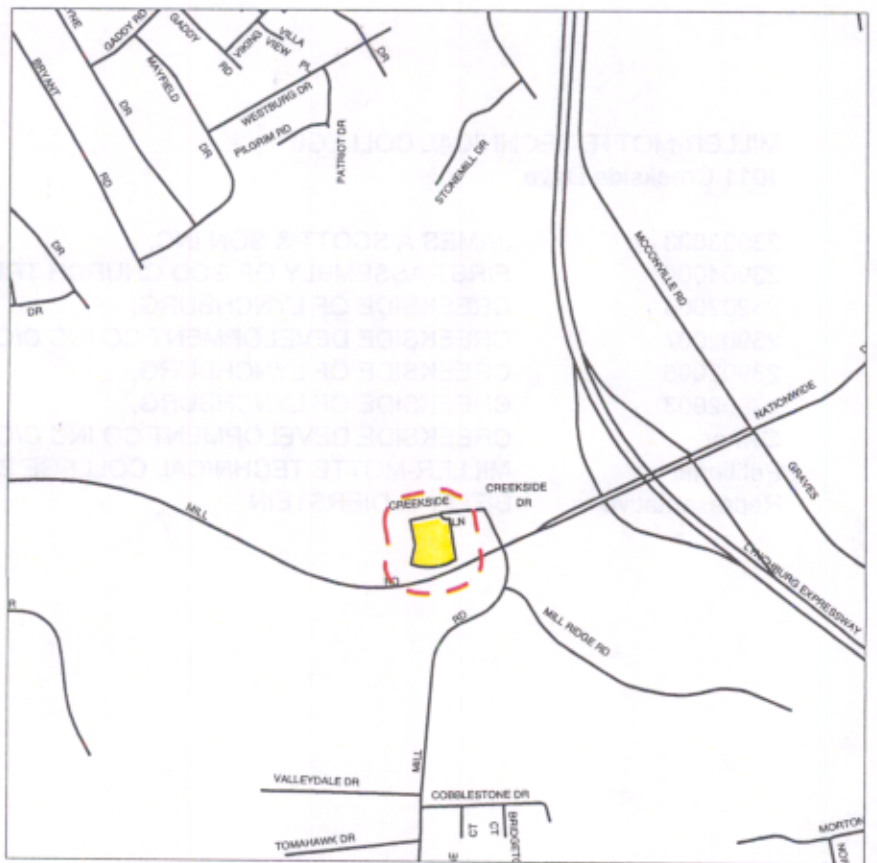
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



200 ft Radius



B-5C
01-12-99

B-5C

01

12-08-87
01-12-99

B-5C

12-08-87
01-12-99

R-1

B-5C
12-08-87

B-5C

12-08-87
01-12-99

B-5C

07-13-99

B-5C

11-14-89
01-28-92

ROUTE 126

OLD GRAVES MILL
ROAD

MILLER-MOTTE TECHNICAL COLLEGE
1912 MEMORIAL AVENUE
LYNCHBURG, VA 24501
434-847-7701
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